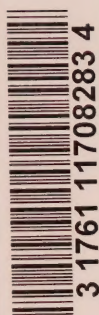


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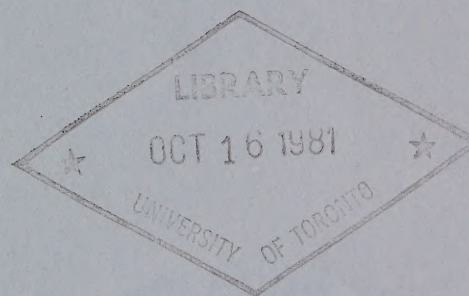


NATIONAL ENERGY BOARD REASONS FOR DECISION

In the Matter of Applications under
The National Energy Board Act of

Foothills Pipe Lines (Alta.) Ltd.

For the Taking of
Additional Lands



July 14, 1981

NATIONAL ENERGY BOARD

REASONS FOR DECISION

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The National Energy Board Act of

Foothills Pipe Lines (Alta.) Ltd.

For the Taking of
Additional Lands

July 14, 1981

Ce rapport est publié
séparément dans les deux
langues officielles.

NATIONAL ENERGY BOARD

IN THE MATTER of an application dated the 25th day of May, 1981 by Foothills Pipe Lines (Alta.) Ltd. for Authority to take Additional Lands, required for the Construction, Maintenance and Operation of a Pipeline, pursuant to section 74 of the National Energy Board Act.

Northern Pipeline Agency File No. 8270.

Heard in the City of Calgary, in the Province of Alberta, on the 22nd day of June, 1981.


BEFORE:

W.A. Scotland, Designated Officer
Northern Pipeline Agency,

pursuant to the powers, duties and functions delegated to him by the National Energy Board in its Order No. NPO-1-78, dated the 27th day of July, 1978.

APPEARANCES:

G.E. Anderson	Foothills Pipe Lines (Alta.) Ltd.
John Petch	Foothills Pipe Lines (Alta.) Ltd.
L.G. Ganne	Northern Pipeline Agency



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THE APPLICATION

Foothills Pipe Lines (Alta.) Ltd. [Foothills (Alta.)] applied to the National Energy Board in this application for authority to take additional lands within two tracts along its proposed right-of-way within Zone 6⁽¹⁾ between kilometre posts 253.7 and 254.8. Both tracts are owned by Bertha Farms Ltd.

The application would provide Foothills (Alta.) with a pipeline right-of-way of 29 metres (95.1 feet) in breadth.

Foothills (Alta.) classified the additional lands applied for into two categories of linear land use:

Schedule "A" lands, being additional right-of-way on which Foothills (Alta.) may carry on pipeline construction and maintenance including ditching and installation of pipeline.

Schedule "B" lands, being additional right-of-way providing permanent working space adjacent to the sixty foot (18.288 metre) right-of-way, for which provision is made in section 73 of the N.E.B. Act. The permanent working space lies entirely within an existing right-of-way of NOVA, AN ALBERTA CORPORATION. The activities Foothills (Alta.) may conduct on the permanent working space are the normal pipeline construction and maintenance activities limited generally to surface use. Ditching and laying pipe in the ditch cannot be done.

(1) Zone 6 is described in Annex II to Schedule I to the Northern Pipeline Act as the route from Caroline, Alberta to the Alberta-Saskatchewan Border near Empress, Alberta.

EVIDENCE

The tracts of proposed right-of-way which were the subject of this Hearing are the same tracts which, among others, were the subject of a similar hearing held at Brooks, Alberta on February 5, 1981. An order authorizing the taking of the additional lands was issued respecting these two tracts but was rescinded when it was learnt that the ownership of the land in question had changed subsequent to the hearing and before the order was issued.

Foothills (Alta.) referred to the Brooks Hearing and relied on the relevant part of its evidence adduced at that Hearing.

A right-of-way configuration diagram filed by Foothills (Alta.) in support of its application shows how the 29 metre width will be utilized for construction of a 1,067 mm (42") pipeline in an area requiring minimal grading (see FIGURE 1).

Foothills (Alta.) entered evidence that Bertha Farms Ltd. had been duly served with Notice of this Hearing as required by Order No. NP-MH-3-81⁽¹⁾ dated the 27th day of May, 1981.

Bertha Farms Ltd. did not make any written submission and did not make an appearance at the Hearing.

(1) See APPENDIX I.

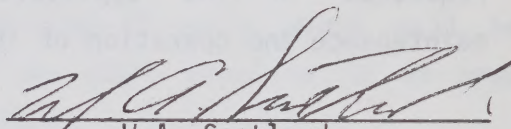
VIEWS OF THE DESIGNATED OFFICER

The evidence presented by Foothills (Alta.) in this application is essentially the same as the evidence in the Brooks Hearing which at that time demonstrated to my satisfaction the need for additional lands on the two tracts presently under consideration. The reason for this Hearing was to provide an opportunity for the new owner to present any submission or evidence respecting the application of Foothills (Alta.) before any decision was made. Foothills (Alta.) did justify to my satisfaction the need for the additional right-of-way and additional permanent working space requested.

I conclude that Foothills (Alta.) requires the additional lands requested in the application for the efficient construction, maintenance and operation of its proposed pipeline.

DECISION

Having considered the evidence and argument presented to me with respect to the application of Foothills (Alta.) for leave to take additional lands and the fact that no person appeared to oppose this application, and having taken into account all matters that appear to me to be relevant, I am satisfied that granting permission to Foothills (Alta.) to take the additional lands requested is necessary for the efficient construction, maintenance and operation of its proposed pipeline. I, therefore have issued an order authorizing the taking of such lands effective as of the closing of the Hearing.



W.A. Scotland
Designated Officer
Northern Pipeline Agency

Calgary, Alberta
July 14, 1981

RIGHT-OF-WAY CONFIGURATION (29m) FOR 1067mm EASTERN LEG

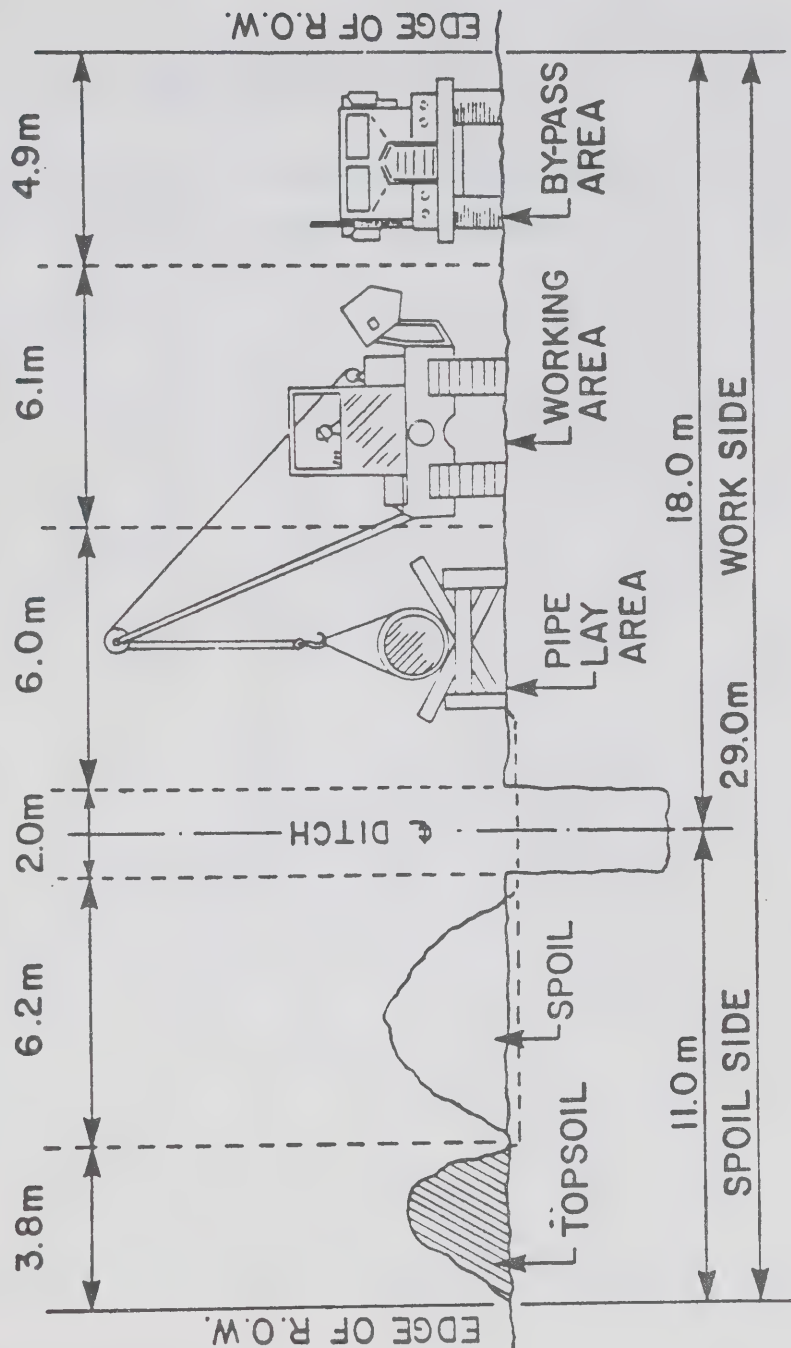


FIGURE 1
(EXHIBIT NO. 8)

NATIONAL ENERGY BOARD



OFFICE NATIONAL DE L'ÉNERGIE

ORDER NO. NP-MH-3-81

IN THE MATTER OF the National Energy Board Act
and the Regulations made thereunder; and

IN THE MATTER OF an application made by Foot-
hills Pipe Lines (Alta.) Ltd. (hereinafter
called "the Applicant") for authority to take,
without the consent of the owner, certain
additional lands required for the construc-
tion, maintenance and operation of the pipe-
line of the Applicant pursuant to the provi-
sions of section 74 of the said Act; and

IN THE MATTER OF ORDER NO. NPO-1-78, dated the
27th day of July, 1978, made by the National
Energy Board pursuant to the provisions of
subsection 6(1) of the Northern Pipeline Act,
whereby the Board did delegate to William
Alexander Scotland as Designated Officer,
Northern Pipeline Agency, certain of its
powers, duties and functions under the
National Energy Board Act, including the
provisions of section 74 of the said Act, in
respect of the pipeline referred to in
subsection 2(1) of the Northern Pipeline Act.

Agency File No. 8270.

B E F O R E the Designated Officer on Wednesday, the 27th day of May,
1981.

- 2 -

UPON reading the application, dated the 25th day of May, 1981, made by the Applicant:

IT IS ORDERED THAT

1. The Application will be heard in Board Room 403, in the offices of the Northern Pipeline Agency, located in Suite 400, Shell Centre, 400 Fourth Avenue South West, in the City of Calgary, in the Province of Alberta, on the 22nd day of June, 1981, commencing at the hour of 10:00 A.M. local time.

2. Notice of the hearing shall forthwith be given by the Applicant by service of a true copy of this Order, together with a copy of the Notice of Hearing annexed hereto, and of the application filed, upon the Attorney General of the Province of Alberta, the Canadian Federation of Agriculture (at 111 Sparks Street, Ottawa, Ontario), Unifarm (at 9934-106th Street, Edmonton, Alberta) and the owner or possessor of the additional lands required, not less than twenty-one (21) days prior to the date set down for the hearing, and the Applicant shall, upon such hearing, furnish to the Designated Officer, Northern Pipeline Agency, copies of such notices with the affidavits of the service thereof.

3. Any respondent or intervenor intending to oppose or intervene in the application shall file, on or before the 17th day of June, 1981, with the Designated Officer, Northern Pipeline Agency, four (4) copies of a written statement containing his/her reply or submission, together with any supporting information, particulars or documents, which shall contain a concise statement of the facts from which the nature of the respondent's or intervenor's interest in the proceedings may be determined, which may admit or deny any or all of the facts alleged in the application, and which shall be endorsed with the name and address

.../3

- 3 -

of the respondent or intervenor or his/her solicitor to whom communications may be sent. Any respondent or intervenor shall, in addition, serve three (3) copies of his/her reply or submission, and supporting information, particulars or documents upon the Applicant and one (1) copy each upon the Attorney General of the Province of Alberta, the Canadian Federation of Agriculture (at 111 Sparks Street, Ottawa, Ontario) and Unifarm (at 9934-106th Street, Edmonton, Alberta).

4. Any interested party may examine a copy of the application and the submissions filed therewith at the office of:

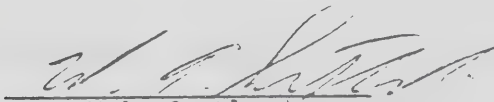
Northern Pipeline Agency
4th Floor - Shell Centre
400 Fourth Avenue South West
Calgary, Alberta T2P 0J4

or at the office of the Applicant's Agent:

The Alaska Project Division of
NOVA, AN ALBERTA CORPORATION
104 Fourth Avenue South East
Calgary, Alberta T2P 2M7
(Please contact D.T. Rigby,
Supervisor, Regulatory Affairs).

Dated at the City of Calgary, in the Province of Alberta,
this 27th day of May, 1981.

NATIONAL ENERGY BOARD


W.A. Scotland
Designated Officer,
Northern Pipeline Agency.

NP-MH-3-81

NATIONAL ENERGY BOARD
NOTICE OF HEARING

TAKE NOTICE that pursuant to the National Energy Board Act and the Regulations made thereunder, the Designated Officer, Northern Pipeline Agency, has ordered a hearing to be held in Board Room 403, in the offices of the Northern Pipeline Agency, located in Suite 400, Shell Centre, 400 Fourth Avenue South West, in the City of Calgary, in the Province of Alberta, on the 22nd day of June, 1981, commencing at the hour of 10:00 A.M. local time, to hear the application of Foothills Pipe Lines (Alta.) Ltd. for leave to take, without the consent of the owner, certain additional lands pursuant to the provisions of section 74 of the Act consisting of:

- (a) "Additional Right-of-Way", containing by admeasurement approximately 0.573 of a hectare (about 1.42 acres), and
- (b) "Permanent Working Space", containing by admeasurement approximately 0.602 of a hectare (about 1.49 acres),

in the North Half of Section 2, Township 21, Range 13, West of the 4th Meridian, in the Province of Alberta,

required for the efficient construction, maintenance and operation of the pipeline referred to in subsection 2(1) of the Northern Pipeline Act and as more particularly described in the said application.

AND THE DESIGNATED OFFICER, NORTHERN PIPELINE AGENCY, HAS FURTHER ORDERED THAT:

1. Any respondent or intervenor intending to oppose or intervene in the application shall file, on or before the 17th day of June, 1981, with the Designated Officer, Northern Pipeline Agency, four (4) copies of a written statement containing his/her reply or submission,

- 2 -

together with any supporting information, particulars or documents, which shall contain a concise statement of the facts from which the nature of the respondent's or intervenor's interest in the proceedings may be determined, which may admit or deny any or all of the facts alleged in the application, and which shall be endorsed with the name and address of the respondent or intervenor or his/her solicitor to whom communications may be sent. Any respondent or intervenor shall, in addition, serve three (3) copies of his/her reply or submission, and supporting information, particulars or documents upon the Applicant and one (1) copy each upon the Attorney General of the Province of Alberta, the Canadian Federation of Agriculture (at 111 Sparks Street, Ottawa, Ontario) and Unifarm (at 9934 - 106th Street, Edmonton, Alberta).

2. Any interested party may examine a copy of the application and the submissions filed therewith at the office of:

Northern Pipeline Agency
4th Floor - Shell Centre
400 Fourth Avenue South West
Calgary, Alberta
T2P 0J4

or at the office of the Applicant's Agent:

The Alaska Project Division of
NOVA, AN ALBERTA CORPORATION
104 Fourth Avenue South East
Calgary, Alberta
T2P 2M7
(Please contact D.T. Rigby
Supervisor, Regulatory Affairs).

DATED at the City of Calgary, in the Province of Alberta,
this 27th day of May, 1981.

NATIONAL ENERGY BOARD

"W. A. Scotland"
W. A. Scotland
Designated Officer,
Northern Pipeline Agency.

